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05-25-04

3742

JLW

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAWOOD PARKER

ART UNIT: 3742

SERIAL NO.: 09/762,923

EXAMINER: DANIEL L. ROBINSON

FILED: APRIL 16, 2001

TITLE: OPTICAL DEVICE

ELECTIONS IN REPLY TO RESTRICTION AND ELECTION-OF-SPECIES
REQUIREMENTS OF THE SECOND OFFICE ACTION

Mail Stop Non-Fee Amendments (Pats.)
Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the second Office Action, dated April 23,
2004, please enter the election-of-invention and election-of-
species in response to the Examiner's election requirements,
as indicated on the following pages:

I hereby certify that this paper is being deposited this date
with the U.S. Postal Service as First Class Mail addressed
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Edwin D. Schindler, Reg. No. 31,459

May 24, 2004

Date

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Applicant hereby elects the invention of Claims 40-51 ("Group II"), drawn to a method of monitoring oxygenation, classified in Class 600, subclass 323, for prosecution in the present application.

ELECTION IN RESPONSE TO ELECTION-OF-SPECIES REQUIREMENT

Applicant hereby elects the species-of-invention of "Species B," drawn to a method of monitoring oxygenation of blood based on an optimal spectrum, upon which Claims 45-51 are presently readable, and to which the foregoing elected invention is to be limited in the present prosecution in the event that no generic claim drawn to the elected invention (*i.e.*, Claims 40-51) is ultimately allowed.